(1) (3)

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 4016 OF 2005

PETITIONER

Lalan Kumar Namdeo, S/o Shri Mangal Prasad, aged About 45 years, Occupation-Service, presently working As Works Assistant in the O/O Executive Engineer, Public Works Department, Division Kawarda, District Kabirdham (Chhattisgarh)

P.R. No. 4112/05
Presented by Shri Anand Verma
dated 12/8/05

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VERSUS

RESPONDENTS

1. State of Chhattisgarh through The Secretary, Public Works Department, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

2. Engineer-in-Chief, Public Works Department, Govt. of Chhattisgarh, Raipur (CG)

3. Executive Engineer, Public Works Department, Kawardha Division, Kawardha, District Kabirdham (Chhattisgarh)

10/8/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

XI-HC-78

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4016/ **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.09.2005

Mr. Ashish Shrivastava, learned counsel for the petitioner.

Mr. Vivek Sharma, learned Panel Lawyer for the State of Chhattisgarh.

Heard.

Learned counsel for the petitioner submits that the petitioner was appointed as Works Assistant in the Public Works Department, Raipur and was posted at Bilaspur. A charge sheet was issued on 04.07.1990 (Annexure P-6) by the Chief Engineer, PWD. After a lapse of about 11 years and six months, the Chief Executive Engineer vide order dated 08.01.2002 (Annexure P-1) imposed penalty of reversion to the lowest pay scale in the cadre. The petitioner had filed an appeal before the Secretary, Government of Chhattisgarh, Public Works Department on 29.01.2002 (Annexure P-9).

According to learned counsel for the petitioner, the statutory appeal filed before the Secretary to the Government of Chhattisgarh, Public Works Department is pending consideration for the last more than 3 years. The petitioner is suffering harassment on account of pendency of the appeal because the case of the petitioner has not been considered for further promotion and other benefits. It is expected from the higher officers that if statutory appeal is filed by the employee, the same be disposed of expeditiously preferably within a period of six to eight months. In the present case, the appeal is pending for the last more than 3

XI-HC-78

(49)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4016 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

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	years and the appellate authority has not taken any action for disposal of the appeal. Learned counsel for the respondents submits that there is no limitation for deciding the appeal. He further submits that the appeal would be decided expeditiously. After having heard learned counsel for the parties, I am of the view that keeping the statutory appeal pending for more than 3 years, amounts to unfair exercise of power. The employee expects that the senior officers would deal with his grievances at the earliest and in the present case, the petitioner has been waiting for more than 3 years without any communication or indication from the authority concerned about the disposal of the appeal. In view of the foregoing, the respondent No.1 is directed to consider and decide the appeal of the petitioner (Annexure P-9), expeditiously, preferably within a period of four weeks from the date of receipt of this order. For the above stated reasons, the petition stands disposed of. Consequently, all pending applications also stand disposed of. **Sd/-** **Satish K. Agnihotri** **Judge**	
Sarma		